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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MERGED REISSUE AND REEXAMINATION PROCEEDINGS

Attorney Docket No.: 1915.17US03  
Reissue Application No.: 10/805,686  
Confirmation No.: 8616  
Filed: 19 March 2004

Attorney Docket No.: 1915.17US05  
Reexamination Control No.: 90/007,487  
Confirmation No.: 5214  
Filed: 29 March 2005

Examiner: Lissi M. Marquis  
Group Art Unit: 2800  
In re the application of: Richard J. Morris  
For: ROOF BATTEN

REISSUE APPLICATION DECLARATION  
UNDER 37 C.F.R. § 1.175

I, Lars J. Walberg, a citizen of the United States residing at 1388 Mesa Drive, Eagle, Colorado 81631, hereby declare that:

1. I believe I and Richard J. Morris are original, first and joint inventors of the subject matter described and claimed in U.S. Patent No. 6,357,193, granted March 19, 2002, and for which a reissue patent is sought on the invention entitled ROOF BATTEN, the specification of which was filed on March 19, 2004.
2. I have reviewed and understand the contents of the above-identified specification, including the claims, as amended.
3. I acknowledge the duty to disclose information material to the examination of this application in accordance with 37 C.F.R. § 1.56.
4. I believe:
  - a. U.S. Patent No. 6,357,193 to be wholly or partially inoperative by reason of a defective specification. In one instance of a defective specification, claim 2

Attorney Docket Nos. 1915.17US03 & 1915.17US05  
Reissue Application No. 10/805,686 & Reexamination Control No. 90/007,487  
Reissue Application Declaration

recites "the second ply includes a multiplicity of cross plies extending between the first plies,"

- i. Claim 1, from which claim 2 directly depends, recites "a generally planar first ply and a second ply,"
  - ii. Hence, claim 2 may be construed to be indefinite because it is impossible for a multiplicity of cross plies to extend between a single first ply, as recited in claim 1.
- b. U.S. Patent No. 6,357,193 to be wholly or partly inoperative by reason of the patentee claiming more or less than the patentee had a right to claim in the patent.
- i. In one instance of claiming more or less than the patentee had a right to claim in the patent, the material of which the first and the second ply comprise is not recited in a claim depending from claim 1.
  - ii. In another instance of claiming more or less than the patentee had a right to claim in the patent, the orientation of the cross portions with respect to the first ply is not recited.
  - iii. In another instance of claiming more or less than the patentee had a right to claim in the patent, a method of making the batten described in the patent is not recited.
  - iv. In another instance of claiming more or less than the patentee had a right to claim in the patent, claims reading on a batten per se, rather than a batten as a component of a tile roof system is not recited, in which the

Attorney Docket Nos. 1915.17US03 & 1915.17US05  
Reissue Application No. 10/805,686 & Reexamination Control No. 90/007,487  
Reissue Application Declaration

batten comprises a pair of generally planar first plies and a second ply  
extending between the first plies, the first plies and second ply defining a  
multiplicity of discrete passages allowing fluids to flow therethrough.

5. All errors corrected in the present reissue application up to the filing of this declaration  
arose without any deceptive intent on my part.
6. All statements made herein of my own knowledge are true and all statements made on  
information and belief are believed to be true; and further that these statements were  
made with the knowledge that willful false statements and the like so made are  
punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such  
willful false statements may jeopardize the validity of the application and any patent  
issuing therefrom.

Date:

11-15-2005

  
Lars J. Walberg

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 1 571 273  
8300 on the date shown below.

Date:

15 November 2005

  
Wm. Larry Alexander

Page 3 of 3 Pages